

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

PHYLLIS GARCIA, an individual,

Plaintiff,

vs.

TACO JOHN'S INTERNATIONAL, INC.,
a Wyoming Corporation,

Defendant.

CV-21-12-BU-BMM

ORDER

The parties have filed a Joint Motion for Approval of Stipulation Resolving Preliminary Injunction Hearing. (Doc. 36). The Joint Motion appears to be in good order. Accordingly, the Court enters the following Order as stipulated by the parties:

1. This case concerns the propriety of the termination by Defendant, effective January 31, 2021, of Plaintiff's franchise rights to her quick service Mexican restaurant.
2. Plaintiff agrees not to further contest the termination of her franchise rights.
3. The Temporary Restraining Order ("TRO") issued by Montana's Silver Bow County District Court on January 29, 2021, is dissolved.

4. Plaintiff shall close by July 31, 2021, her franchised restaurant located at 1960 Harrison Avenue, Butte, Montana 59701.

5. In Butte, Montana, after July 31, 2021, and until August 1, 2022, neither Plaintiff, nor the spouse or immediate family member of Plaintiff, shall perform services for or have any direct or indirect interest as a disclosed or beneficial owner, investor, partner, director, officer, employee, manager, consultant, or landlord in any business, other than a Taco John's restaurant operated under a Franchise Agreement, that offers or sells Mexican food as more than 15% of its menu items.

6. As of August 1, 2021, Plaintiff and Defendant shall comply with Section 16 of the Franchise Agreement executed by Plaintiff on March 1, 2016, entitled Rights and Obligations of the Franchisor and Franchisee upon Termination or Expiration of Franchise.

7. The preliminary injunction hearing set to commence on July 27, 2021, at 10:30 a.m. (Doc. 35) in Butte, Montana, is hereby vacated.

Dated this 26th day of July, 2021.



Brian Morris, Chief District Judge
United States District Court